



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,570	05/20/2004	Bobby L. Williamson	005242.00132	6572

22907 7590 09/25/2006

BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

EXAMINER
----------

YAO, SAMCHUAN CUA

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/849,570

Applicant(s)

WILLIAMSON ET AL.

Examiner

Sam Chuan C. Yao

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/14/04 & 10/24/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election of Group I, Subgroup IA (claims 1-19 and 11-12) in the reply filed on 07-21-06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whittenmore (US 5,106,697) in view of Baxter (US 4,915,766) or vice versa.

With respect to claims 1, 3 and 8-9, Whittenmore discloses a process for making a laminated veneer panel. The process comprises applying an adhesive to at least one of the mating surfaces of wood veneers; and, then heat-pressing the adhesive coated wood veneers to form the laminated veneer panel; wherein the adhesive includes a thermosetting phenol-formaldehyde resin having a number average molecular weight range "of about 3,000 to 5,000 and weight average molecular weight in the range of about 25,000 to 50,000", which are measured using a gel permeation chromatography; (emphasis added) and further wherein

the wood veneers have "an average moisture content of greater than about 7% [by weight] ... Usually, veneer average moisture content is targeted for about 5% up to about 10%" (terms and emphasis added; abstract; col. 1 lines 10-51; col. 2 lines 48-54; col. 3 lines 32-56; col. 5 lines 4-24; col. 6 lines 40-49; col. 8 lines 10-18; example 3).

Whittenmore differs from these claims in that, Whittenmore does not teach using a ketone-aldehyde resin (acetone-formaldehyde, claim 9) cure promoter.

However, it would have been obvious in the art to incorporate a low molecular weight acetone-formaldehyde suggested by Baxter in the process of Whittenmore, because Baxter discloses incorporating a low molecular weight acetone formaldehyde as a cure rate accelerator for a phenol-aldehyde resin to form "an improved adhesive", where the adhesive is used for making a laminated wood veneer panel (abstract; col. 1 lines 10-17; col. 2 lines 54-68; col. 7 lines 28-63).

**Alternatively**, Baxter, drawn to making a laminated wood veneer, discloses substantially the process recited in claim 1. Baxter differs from claim 1 in that, Baxter is silent on the molecular weight of a phenol-aldehyde resin. However, Whittenmore, drawn a phenolic adhesive of a type which is similar to a phenolic resin suggested by Baxter, discloses the desirability of using a phenol formaldehyde resin which has a number average molecular weight of 3000-5000 and weight average molecular weight in the range of about 25,000 to 50,000 as an adhesive for making a laminated veneer panel (abstract; col. 5 lines 15-24).

With respect to claim 2, see column 6 lines 47-58 and column 7 lines 28-63 of the Baxter patent or example 3 of the Whittenmore patent.

With respect to claim 4, see column 3 lines 48-56 of the Whittenmore patent.

With respect to claims 6-7, see example 3 of the Whittenmore patent or column 7 lines 29-64 of the Baxter patent.

With respect to claim 11, see column 11 lines 43-51 of the Baxter patent.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references set forth in number paragraph 3 as applied to claim 2 above, and optionally further in view of Detlefsen (US 5,057,591).

With respect to the recited operating pressing time recited in this claim, operating conditions such as pressing time are taken to be result effective variables routinely optimized by those versed in the art. Those versed in the art would have reasonably recognized and appreciated that the pressing time is dependent in a number of factors namely: a) heating means (conductive, convective, electromagnetic energy such as radio frequency energy), b) heating temperature, c) veneer thickness, d) number of veneers, e) adhesive type, etc. For these reasons, absent any showing of unexpected result, the recited operating time would have been obvious in the art. Additionally and optionally, the recited operating time is an art recognized operating period for heat-pressing a plurality of phenolic adhesive coated veneers as exemplified in the teachings of Detlefsen et al (abstract; col. 1 lines 6-9; col. 2 lines 3-22).

Art Unit: 1733

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references set forth in numbered paragraph 3 as applied to claim 1 above, and further in view of Walser (US 5,234,747) or Park et al (US 6,569,279).

While the applied prior art references in numbered paragraph 3 are open to using desired numbers of veneers in forming a laminated veneer panel, these references do not explicitly disclose forming a veneer panel comprising at least 13 wood veneers. However, such would have been obvious in the art as such is an art recognized effective way for making a laminated veneer panel as exemplified in the teachings Walser et al (abstract; figure) or Park et al (example 1).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Daisy (US 5,074,946), Tsuruta (US 5,223,587) and WO 95/13920 are all cited as further evidence to show that it is well known in the art to formulate a phenol-aldehyde resin which has the recited molecular weight.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richard Crispino can be reached on (571) 272-1171. The fax phone

Art Unit: 1733

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sam Chuan C. Yao  
Primary Examiner  
Art Unit 1733

Scy  
09-18-06